



PUBLIC NOTICE

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Federal Communications Commission
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Washington, D.C. 20554

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DA 02-1171
May 16, 2002

COMMENTS SOUGHT ON THE COMMISSION'S POLICIES FOR REGULATING PRESUBSCRIBED INTEREXCHANGE CARRIER CHARGES

CC Docket No. 02-53

COMMENTS DUE: June 14, 2002

REPLY COMMENTS DUE: July 1, 2002

On March 20, 2002, the Commission released a Notice of Proposed Rulemaking to examine presubscribed interexchange carrier (PIC)-change charges.¹ Through this *Notice*, the Commission seeks comment on whether to base the PIC-change charge on an examination of carrier costs or whether to rely on market forces to set reasonable rates. The Commission will consider what costs carriers reasonably can recover through the PIC-change charge and whether to take non-cost factors into account in determining a reasonable charge. The Commission will also examine whether to establish a national safe harbor within which a PIC-change charge is considered reasonable, whether carriers should submit individualized cost support with their tariffs, or whether the Commission should review rates solely through its enforcement processes. The Commission seeks comment on these issues, as well as any alternative means of ensuring the reasonableness of PIC-change charges. A summary of the *Notice* is published in the Federal Register at 67 Fed. Reg. 34665 (May 15, 2002).

Pursuant to sections 1.415 and 1.419 of the Commission's rules,² interested parties may file comments on or before **June 14, 2002**, and reply comments on or before **July 1, 2002**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.³

¹ *Presubscribed Interexchange Carrier Charges*, CC Docket No. 02-53, Order and Notice of Proposed Rulemaking, FCC 02-79 (rel. Mar. 20, 2002) (*Notice*).

² 47 C.F.R. §§ 1.415, 1.419.

³ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the filing to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic copy by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form <your email address>." A sample form and directions will be sent in reply. Commenters also may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12th Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at qualexint@aol.com. In addition, one copy of each submission must be filed with the Chief, Pricing Policy Division, 445 12th Street, S.W., Room 5-A225, Washington, D.C. 20554. Documents filed in this proceeding will be available for public inspection during regular business hours in the Commission's Reference Information Center, 445 12th Street, S.W., Washington, D.C. 20554, and will be placed on the Commission's Internet site.

This *Notice* contains either a proposed or modified information collection. As part of the continuing effort to reduce paperwork burdens, we invite the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this *Notice*, as required by the Paperwork Reduction Act of 1995.⁴ Written comments by the public

⁴ 44 U.S.C. § 3501 *et seq.*

on the proposed and/or modified information collections are due on the same day as comments on the NPRM, i.e., on or before **June 14, 2002**. Written comments must be submitted by OMB on the proposed and/or modified information collections on or before **July 15, 2002**. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judith B. Herman, Federal Communications Commission, Room 1-C804, 445 12th Street, S.W., Washington, D.C. 20554, or via the Internet to jbherman@fcc.gov, and to Jeanette Thornton, OMB Desk Officer, Room 10236 NEOB, 725 17th Street, N.W., Washington, D.C. 20503 or via the Internet to JThornton@omb.eop.gov.

This proceeding will be governed by "permit-but-disclose" *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.⁵ Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁶ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well. Interested parties are to file any written *ex parte* presentations in this proceeding with the Commission's Secretary, Marlene H. Dortch, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554, and serve with three copies: Pricing Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554, Attn: Jennifer McKee. Parties shall also serve with one copy: Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 863-2893.

For further information, please contact Jennifer McKee, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-1530 or jmckee@fcc.gov.

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⁵ 47 C.F.R. § 1.1206.

⁶ See 47 C.F.R. § 1.1206(b)(2).